

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Todd M. Smith
Debtor(s)

Bankruptcy Case No.: 18-22548-GLT
Issued Per 8/27/2018 Proceeding
Chapter: 13
Docket No.: 31 - 17
Concil. Conf.: November 8, 2018 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 18, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Nov. 8, 2018 at 09:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: August 29, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Todd M. Smith
 Debtor

Case No. 18-22548-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Aug 29, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 31, 2018.

db +Todd M. Smith, 3923 Laurel Oak Circle, Murrysburg, PA 15668-8500
 cr +Penn Hills School District and Municipality of Pen, Tax Division,
 c/o Maiello, Brungo & Maiello, LLP, Foxpointe II, 100 Purity Rd, Ste. 3,
 Pittsburgh, PA 15235-4441
 14886095 +Alison White, 6216 Antler Hill Drive, Trafford, PA 15085-2310
 14870517 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998-2238)
 14870516 Bank of America, PO Box 31785, Tampa, FL 33631-3785
 14870518 Barclay, Credit Card Payments, PO Box 13337, Philadelphia, PA 19101-3337
 14892993 C/O Wells Fargo Bank, N.A., as servicer, Default Document Processing,
 N928601Y 1000 Blue Gentian Road, Eagan, MN 55121-7700
 14870520 Chase Bank, P.O. Box 15298, Wilmington, DE 19850-5298
 14870522 +Fidelity National Title Insurance Co., 601 Riverside Ave., Jacksonville, FL 32204-2945
 14870523 +Fidelity National Title Insurance Co., c/o Nicole Cohen, Esquire, 1515 Market St.,
 Suite 1410, Philadelphia, PA 19102-1913
 14895104 +Fidelity National Title Insurance Company, c/o Dana B. Ostrovsky,
 Fidelity National Law Group, 1515 Market Street, Suite 1410, Philadelphia, PA 19102-1913
 14887838 HSBC Bank USA, National Association, as Trustee, c/o Wells Fargo Bank, N.A., as servicer,
 Default Document Processing, N9286-01Y, 1000 Blue Gentian Road, Eagan, MN 55121-7700
 14870525 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14891910 +Penn Hills Municipality, c/o Maiello Brungo & Maiello, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441
 14891911 +Penn Hills School District, c/o Maiello Brungo & Maiello, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441
 14888171 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14902266 THE BANK OF NEW YORK MELLON FKA THE BANK, Bank of America, PO BOX 31785,
 Tampa FL 33631-3785
 14886106 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Leasing, 5005 N. River Blvd. NE,
 Cedar Rapids, IA 52411-6634)
 14889759 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 14894965 U.S. Bank National Association, as Trustee for J.P., C/O Wells Fargo Bank, N.A., as servicer,
 Default Document Processing, N928601Y 1000 Blue Gentian Road, Eagan, MN 55121-7700
 14870526 +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: kburkley@bernsteinlaw.com Aug 30 2018 02:54:16 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14870519 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 30 2018 02:48:18 Capital One Bank,
 PO Box 71083, Charlotte, NC 28272-1083
 14897225 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 30 2018 02:48:16
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14870521 +E-mail/Text: bankruptcy.bnc@ditech.com Aug 30 2018 02:52:07 Ditech, PO Box 6172,
 Rapid City, SD 57709-6172
 14870524 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 30 2018 02:48:23
 Home Depot/Citi Cards, c/o Portfolio Recovery Associates, 120 Corporate Blvd.,
 Attn: Carrie Brown, Esq., Norfolk, VA 23502-4952
 14895661 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 30 2018 02:47:33
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Fidelity National Title Insurance Company
 cr THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO
 cr Toyota Motor Credit Corporation, as servicer for T
 cr U.S. BANK NATIONAL ASSOCIATION, Et.al.
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14886097* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998-2238)
 14886096* Bank of America, PO Box 31785, Tampa, FL 33631-3785
 14886098* Barclay, Credit Card Payments, PO Box 13337, Philadelphia, PA 19101-3337
 14886099* Capital One Bank, PO Box 71083, Charlotte, NC 28272-1083
 14886100* Chase Bank, P.O. Box 15298, Wilmington, DE 19850-5298
 14886101* +Ditech, PO Box 6172, Rapid City, SD 57709-6172
 14886102* +Fidelity National Title Insurance Co., 601 Riverside Ave., Jacksonville, FL 32204-2945
 14886103* +Fidelity National Title Insurance Co., c/o Nicole Cohen, Esquire, 1515 Market St.,
 Suite 1410, Philadelphia, PA 19102-1913
 14886104* +Home Depot/Citi Cards, c/o Portfolio Recovery Associates, 120 Corporate Blvd.,
 Attn: Carrie Brown, Esq., Norfolk, VA 23502-4952
 14886105* +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 27

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***** BYPASSED RECIPIENTS (continued) *****
14897960* U.S. Bank National Association, as Trustee for J.P., C/O Wells Fargo Bank, N.A., as servicer,
Default Document Processing, N928601Y 1000 Blue Gentian Road, Eagan, MN 551217700
14870527* +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
14870528* +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
14886107* +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
14886108* +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
14886109* +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335

TOTALS: 4, * 17, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 31, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 29, 2018 at the address(es) listed below:

Dana B. Ostrovsky on behalf of Creditor Fidelity National Title Insurance Company
dana.ostrovsky@fnf.com, timothy.destefano@fnf.com;mary.lopez@fnf.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation, as servicer for
Toyota Lease Trust bkgroup@kmlawgroup.com
Jennifer L. Cerce on behalf of Creditor Penn Hills School District and Municipality of Penn
Hills jlc@mbm-law.net
Jerome B. Blank on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, Et.al. pawb@fedphe.com
Jodi L. Hause on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, Et.al.
jodi.hause@phelanhallinan.com, pawb@fedphe.com
Kenneth Steidl on behalf of Debtor Todd M. Smith julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;leslie.
nebel@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-ste
inberg.com;kmeyers@st
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Raymond M Kempinski on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW
YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-14CB
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-14CB ecfmail@mwc-law.com,
ecfmail@ecf.courtdrive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 11